1875-76.
(L.R.).

File No. 25 of 75
Serial No. 1

Sub:- Procedure to be adopted regarding disposal of Darkasts for lands in Surveyed and Settled Taluks.

G. R. S. IX-5]

Previous references. 1875-76.

191

(G.R.)

File No. 2587/75.

Serial Nos.

Later references.

Incomplete

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Major ~~Part~~ B for April 77.

SUBJECT.

Procedure to be adopted re disposal of Darkasts for lands in Surveyed and Settled talukas.

Indexed G.R.

W D 88—GPB—50,000—24-7-16

Memo

No. 535.

1. In the "Karnataka Prakasika" dated 1st Dec. 75, there appeared an article on the subject of delay in the disposal of Durkhasts in the Surveyed and Settled Talukks. There being reason to believe that the causes of delay therein enumerated were true, an enquiry was made of the Deputy Comm^rs of the marginally noted Districts as to whether those causes did in fact exist, and the following is a summary of their replies.

× Bangalore.
Tumkur.
Shemoga.
Chitaldroog.

Points enumerated in the "Karnataka Prakasika".

Dy. Comr's replies.

I. In certain Surveyed Talukks, the cost of the Bandhs is demanded in advance.

2. Bangalore Dt. The cost of the Bandhs is not demanded.

3. Tumkur Dt. In Koratagiri Taluk, no such practice exists. In Tumkur, when a number is taken up which has never been in occupation

There is no authority for this procedure. The Deputy

since the Survey, the original cost of bandhs is recovered from the applicant.

Shemoga Dt 4. The cost of bandhs is not demanded in advance, but when land, waste at the Settlement, is taken up within three years after, the ryot is ~~made~~ held responsible for the cost of bandhs.

Chickmagalur Dt 5. Do. Do. The practice is based upon an order issued by the Survey Deptt to some of the Talukrs.

Deputy Commrs may be asked to quote it, or discontinue the practice.

II

Kingoor & Shemoga Districts.

6. No security is taken for payment of Kondayum.

Chickmagalur Dt 7. Security is occasionally taken, as when the Durkhastdar is not known, or when it is suspected that he may abscond before the time for paying the assessment comes round.

Chickmagalur Dt 8. No security is taken for payment of Land Revenue. In the case of Mohaturfa, payment in advance is demanded from Korchers & other wandering tribes.

II. A demand for security on account of Kondayum is made in some Talukrs.

This should be discontinued. Land is the security for the arrear due to Govt.

11. The consent of the ryots of the village in which the land applied for lies, has to be obtained.

14. The consent of the villagers is never applied for. The Dy Convrs of Shemoga and Chitaldroog state that when any valid objection is raised by the villagers to the grant of the land applied for, some short delay occurs in the final disposal of the application.

x. There are cases in which the consent of the villagers should be taken or their preferential claims respected.

12. In this manner years as well as the cultivating season pass away.

15. As explained in the foregoing paras, no unnecessary delay occurs in the disposal of Durkhasts. The lands in the Magadi Talur which were surveyed and settled in July last were disposed of in the following month of August.

This is apparently a refers to that portion of the old Kengeri Taluk which was transferred to Magadi lately.

16. The Editor's statement is untrue. In the vast majority of cases, the land applied for is made over to the applicant within a few days after the Durkhast, and it is only in the case of applications for land with trees on it that a month or six weeks

delayes before the ryots
gets possession of the land
[illegible]. It is only in
cases in which the forest
Deptt has to be consulted
or the Amildar has to make
a personal inspection of the
land, or in which the land has to
be sold, that any delay
occurs; but this is unavoidable.
In the Sorab Taluq, however,
the delays are most discreditably
long, the average time occupied
in the disposal of darkhasts
for land having trees on it
being 64·8 days each, and
57·5 days each in the case
of applications for land
without trees. One Durkhast
presented in July last remained
undecided until this season.
Considerable attention has
lately been given to the
subject, and of the 33
Durkhasts received since
April last & in which sales
of trees were necessary,
have been disposed of
in 26·2 days each on an

Attention is invited
to the orders noted in
the margin in which
delay in the disposal
of Durkhasts was noticed
by the Chief Commr. on
his examination of the
Taluk Cutcherries during
the cold season tour of
1874-75. These orders
have no doubt contri-
-buted to a speedy dis-
-posal of Durkhasts &
to the regular preparation
of Durkhast & Razeniama
Registers.

All restrictions
as to date, on Durkhasts
for land have been
withdrawn, and the
practice which existed
in some Talukas of
deferring for the next
year the disposal of
Durkhasts presented
after the Amildar's
Jamabandy, has also
been abolished — Vide
C. Cs Proc: No 6294 of
1st November 1875.

In the Ratnagiri Collectorate
Some Durkhasts applying for
waste land were kept there
for two years, it is right there
should be fixed time
for disposal, & prevent
Amildar
this
delay

average.

18. [illegible] No unnecessary delay occurs. If the application is made for unassessed Koval lands, some delay takes place before the sale is ordered, as the land has first to be assessed by the Survey Deptt.

VIII. After the man gets the land, the Govt demands assessment from the date of the Darkhast, altho' the Ryot offers to pay it from the date he got possession of the land.

19. [illegible] This is not at all the case. The applicant is charged with assessment upon the field he takes up for the season to which his application relates, and not from the date of his Darkhast

The answer is unintelligible as the query. The man who takes up land, no matter on what date, must pay its full assessment for the year.

[illegible] take up land [illegible] March 1876, be [illegible] year [illegible] 1875 [illegible]

20. [illegible] Do. Do. If the applicant obtains the land late in the season, it is owing to his own fault in not making early application.

VIII. The Survey Rules provide only for the sale of such lands as contain reserved trees fruit, Date & Bugni trees &c

21. [illegible] Survey Rule VII provides for the sale of all land applied for for cultivation.

22. The charges brought by the 'Karnataka Prakasika' are not founded and were apparently based upon imperfect information of our rules and procedure. However, the enquiry now made shews, as I noticed above, a want of uniformity of procedure in the several Districts and some misconception of the Rules.

15/3/76

The enquiry may I think do good, in shewing where diversities of procedure exist.
As also may I draft, specifying in future procedure where such procedure where such is to be understood & communicated to Dep Commrs

In the first place a reference should be made to the Survey Dept about rule VII - If there are any relics of the old village limits in Mysore it is unfair, if not, I am rather disposed to allow it

23/3/76

№ 93.

As directed above, the Survey Commr's views were ×solicited regarding

(i) the practice, alleged to be founded on an order of the Survey Deptt., of demanding the cost of Bandhs on waste lands from applicants for their cultivation; and

(ii) the desirability of modifying Survey Rule VII published in the Chf Comr's Notfn No. 39 of 26th May 1869

× in Pro: No. 10215/274 of 28/3/76.

2. As regards the 1st point, the Survey Comr ×states he believes that the order referred to applies, not generally to all waste land newly taken up for cultivation, but only to such as was occupied at the time of measurement, but was resigned before the cost of the Bandhs erected thereupon was collected from the occupant, the cost being in such cases recoverable from any person taking it up for a definite period.

× in his letter No. 572 of 7-4-76.

period, after which it is written off as a charge to Govt. Colonel Anderson promises a further report on this point after referring it to the Survey Supdt.; and this may be awaited.

3. Referring to the 2d. point, Col: Anderson is of opinion that it is decidedly advantageous to sell the occupancy of waste land when there are two or more applicants for the same land, or when the land contains trees. In jungle Talukas, he observes that it may be advisable to sell the trees apart from the land, but that when this course is adopted, the purchaser of the trees should be required to remove them within a specified time (from 3 to 6 months), and in default, to forfeit all lien on them in favor of the holder of the land. As regards Maidan Talukas, Colonel Anderson thinks it very desirable that

× Why, in favor of the land holder? The trees may be resold on account of Govt.

compendium. These are, as observed by Col: Anderson, not applicable to the settled Talukhs, for which the rules embodied in the Chf Comrs Notfn no. 39 of 26th May 1869 are prescribed.

Vide p. 19 of the Rev: Compn

B P Thumboo
3/6/76

Draftsman, pray take care to follow the correct points, attending to the instructions noted in the Remarks above

Drafted 8/6

What has become of the Rev Compendium 2nd Edn which the late Dy Secy had under preparation. See his letter in Para 12 of Letter No 535

The Proof Sheets, made in the Press, I believe that Mr Sopwith had it in his contemplation to publish a 2nd Edn of the Rev. Compendium, but that the work was commenced by him. I am collecting the circumstances with, as soon as the Corrections

Corrections are brought up, attested & the Compilation of the 2nd Edn

BPT
20/6/76

Memo. 14

Letter No. 912 of 20th July 76 from the Survey and Settlement Commr. of Mysore.

In the above letter the acting Survey Comr. submits the further report promised by Col: Anderson in para 2 of his letter No. 572 of the 7th April 76, and alluded to in para 2 of Memo No 93.

2. From a perusal of the enclosures to the Survey Commrs. letter under reference, and the correspondence ending with this Office docket No. 691/23 of 4th May 76, it appears that the recovery of Boundary mark charges used, in former years, to be post-poned till the completion

of the settlement. In the intermediate period, persons resigned their holdings without paying the cost of Boundary marks, which was shewn in the accounts as an outstanding balance.

The Amildar of Chital-droog appears to have, in his report dated 22d March 68, solicited the instructions of the Survey Supdt as to how he should proceed to recover the cost in such cases, and Major Grant, in his order dated 4th April 1868, authorized the recovery of the cost from persons who took up the lands within 3 years after settlement.

3. The practice of postponing the collection of Boundary mark charges till the settlement was abolished in 1870,

bill sent to the Dft. au-
thorities, could be re-
covered -

6. Major Grant also
states that as the cost
of Boundary marks is
now collected from the
person in occupation
at the time of measure-
-ment, without waiting
for the settlement, as
was formerly the case,
the rule requiring any
one taking up the resign-
-ed land within 3 years,
to defray the cost of
Boundary marks will
scarcely ever have to
be brought into action.

7. In conclusion,
Major Grant observes
that from the Dy Comrs
reports enclosed in his
letter, it may safely
be concluded that the
3 years' Rule above allud
to has not been erroneous-
-ly extended to all

lands waste at the time of settlement.

8. To remove misapprehension, it may be clearly stated that the cost for boundary marks should, as a rule, be recovered at the time of measurement from the person who occupies the land, failing which, in the event of the said occupant subsequently resigning the land, the cost will be recovered from the next applicant who may put in his Darkhast within 3 years after settlement.

If this be approved, the concluding part of para 2 of draft order herewith submitted will be altered accordingly.

Submitted for orders with the draft order on this subject, the issue of which was ordered to be deferred till the receipt of the Survey Commrs report under reference.

R. Thumboo Chetty
30/8/76

Vide Draft order issued 31/8

Memo:

The Draft order as revised by the Secty was printed with the Ch: Commrs' Proceedings No 55-72/22 dated 6th/11 Septr 76.

2. With reference to paras 6 & 7 of the above prescribing rules for putting up the lease of lands to public competition when one or more applications are received, the Comrs of Forests requested to be informed whether these rules are held to cancel the provisions of the Survey Guarantee (Forests) & the Ch: Commrs' subsequent rulings thereon, extending the period within which the Deptt may remove wood to 2 years in certain talukas. Should there be the case, the Comrs

* vide his lr No 1665/133 dt 15.9.76.

× vide Ch: Commrs' Proc: No 8897/5-32 dt 4.3.75

while remarking that
the loss to Govt may at-
times be considerable, begs
to submit the claim of the
Forest Dept to the value of
the trees sold & to suggest
that special provisions
be made exempting Sandal
trees from ever becoming
the property of the occupant
of the land. The Comr
asks this because he states
it is not clear to him
whether these proceedings
do or do not abrogate
the Forest portion of the
Impore Government
Guarantee.

3. I do not think that
the rules contained in
para 6 of the Ch: Commrs
Proceedings No 5572 dated

Memo

In September last the Conservator of Forests referring to paras 6 and 7, of Chief Commissioner's proceedings No. 5-5-72/22, relative to the proce-dure to be observed in the disposal of applications for land in the surveyed and settled Taluks, requested to be informed if the rules therein laid down were held to cancel the provision of the Survey Guaran-tee (Forest), and subsequent rulings thereon

To Conser. of Forests, by 5 October 1876, No. 6612/2037.

2. He was informed in reply that the rules simply laid down the procedure to be adopted in giving

giving effect to the provisions of para VII of the Survey Settlement rules, and did not affect the provisions of the Survey Guarantee under which rights are vested in the Forest department in respect of trees of the reserved kind.

3. The above correspondence appeared in Part I of the Proceedings for October, 1876, and India now requests to be furnished with a copy of the Survey Settlement rules of 1869, and Survey Guarantee (Forests).

A Draft is submitted for approval, with copies of the Rules.—

H. Ewbank
29/3/77.

From India 07 17 Feby 77. No 298.

C.522

131

187 6.

From Deputy Commissioner
Limitéa District

To

Secretary to Chief Commissioner,
General Department.

Dated Camp Kolala 26 January 1876.

Despatched

Received

ENCLOSURES NO. 1

General No. 187 5—76.

Inv No. 490

Section

File No

Serial No

Mr. Land Officer
Mr. on the subject

Has docketed Inv 7358/163 of the 28th ultimo forwarding copy of translation of an article which appears in the "Kaimatahia Pra-hasa" on the subject of dairy in the disposal of applications for Land in the surveyed and settled Districts.

In reply have the honor to state that as both the surveyed Districts in this Dis-trict are in charge of Inv Portions Sub Divi-sion Officer, he was called on to furnish the required report and

and an extract from the same giving his replies seriatim is enclosed.

Deputy Commissioner

WT.

Referred
Feb 1907

To S. [illegible]
[illegible] 2.76

Extract from Letter No 161 of the 23d January 1876 received from Mr Postens Assistant Commissioner in charge of the Chitnavya-Kanahalli Sub Division.

× × × × ×

2. For convenience sake I subjoin seriatim the several assertions which the News paper makes with my replies thereto in parallel columns.

1. "In certain surveyed Talooks the cost of the Bundo is demanded in advance".

This is not the fact. In fact no such practice exists: in Simtur when a number is taken up which has never been in occupation since the survey, the original cost of the bundo is recovered from the applicant or durkhastdar.

2. "A demand for security is made".

This is occasionally done to protect Government interests when the durkhastdar is not known, or when it is suspected that he may abscond before the time for paying the assessment comes round.

3. "The durkhastdar is told to bid for the land and should his bid prove the highest, he would get it".

The custom in the two Talooks is to put up to auction lands on which trees, mantaps &c stand.

Land

3

Land not containing trees wells &c is put up to auction only when 2 or more durkhasts are made for it on the same day. It would be strictly in accordance with the Survey rules to sell by auction the right of occupancy of every number applied for such is the custom in Bombay.

4. "The durkhastdar has to produce a certificate from the Forest department to show that that department has no objection to his taking up the land."

No such practice exists.

5. "The consent of the ryots of the Village in which the land lies has to be obtained."

No such practice exists.

6. "In this manner years as well as the cultivating season pass away, after the man gets the land the Government demands assessment from the date of the durkhast, although the ryot offers to pay it from the date he got possession of the land."

This is untrue. In the vast majority of cases the durkhastdar receives a note from the Shaikdar giving him possession of the land within a few days after the durkhast. When trees, tanks, wells, mantaps &c. exist on the

the survey Nos: they have by standing order 4 to be sold by auction. The sales have to be confirmed by this Office, and very often a second sale is ordered. For such Nos: a month to 6 weeks may be taken as the time that elapses before a ryot gets possession.

The Government does not demand assessment from the date of the Kharif. The ryot applies for land at the beginning of the cultivating season and he knows what the invariable custom is. I believe in all Taluks either settled or non-settled. that he will have to pay the assessment for that season. How would the Editor propose to fix the portion of a years assessment that a ryot should pay.

I have &c.
(sig) V. Ponteros
Assistant Commr

"Copy"
C. Elliot
Deputy Commissioner

No. 1238.

Deputy Commissioner's Office
Bangalore District.
Bangalore 3rd February 1876.

No.
Section
File No
Serial No

To
The Secretary to the
Chief Commissioner
of Mysore.

Sir,

I have the honor to report that the Amildars of Bangalore and Magadi, in whose Taluks the operations of the Survey and Settlement Department are being carried on in this District generally deny the statements made in the article of the "Karnatica Prakasika", a translation of which accompanied your docket No: 7358/163 dated 30th December 1875.

2. Their reports may be summarized as follows.

The Amildar of Bangalore states - there is no delay in his Taluk in the disposal of waste lands surveyed and settled under

are invariably issued at once to put the Durkastdar in possession. any question as regards trees on the land is settled afterwards. If the trees are of trifling value, the Shikdar sells them by auction; if within ten Rupees value, the sale is concluded by the Amildar; and if above ten Rupees, the bids are submitted for sanction of the Deputy Commissioner. No case has occurred of land applied for by more than one individual, if such a case occurs, he (the Amildar) will put up the land to the highest bid, as is done by the Survey and Settlement Department. and lastly that he is not in the habit of demanding the cost for the Bondu or security on account of kondayem; and that he never asked to produce a certificate from the Forest Department, or sought to obtain the ryots' consent before granting any land.

The Amildar of Nagadi reports

that all the lands, including Soolkunnee, surveyed and settled in July last, were disposed of by him in the following month August; and that therefore there was no delay in his Taluk.

3. In conclusion I have to observe that the Editor of the Paper in question would be doing a benefit to the District generally - if he would, instead of making general statements, particularizing a few cases - even one - authenticated case would be of great use.

I have the honor to be

Sir,

Your most obedient Servant.

S Michetti

Offg. Deputy Commissioner

Mangalore District.

Q. 546
179

1876.

From The Dy: Commissioner
Bangalore District

To

Secretary to Chief Commissioner,
General Department.

Dated 3rd February 1876.

Despatched

Received 4 Feb 1876

ENCLOSURES NO.

General No. } 1876—7
R. No. 238

Reports on the Subject
of delay in the disposal of
applications for land in
the Surveyed and Settled
Talukas.

Dy Secy
4.2.76.

Dy Secy's No 1215 dt 4th Feb 1876
Dy Secy's No 1218 dt 4th Feb 1876
Dy Secy's No 1219 dt 4th Feb 1876
Dy Secy's No 1220 dt 4th Feb 1876
Dy Secy's No 1221 dt 4th Feb 1876
Dy Secy's No 1222 dt 4th Feb 1876
Dy Secy's No 1223 dt 4th Feb 1876
Dy Secy's No 1224 dt 4th Feb 1876
Dy Secy's No 1225 dt 4th Feb 1876
Dy Secy's No 1226 dt 4th Feb 1876
Dy Secy's No 1227 dt 4th Feb 1876
Dy Secy's No 1228 dt 4th Feb 1876
Dy Secy's No 1229 dt 4th Feb 1876
Dy Secy's No 1230 dt 4th Feb 1876
Dy Secy's No 1231 dt 4th Feb 1876
Dy Secy's No 1232 dt 4th Feb 1876
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Dy Secy's No 1250 dt 4th Feb 1876
Dy Secy's No 1251 dt 4th Feb 1876
Dy Secy's No 1252 dt 4th Feb 1876
Dy Secy's No 1253 dt 4th Feb 1876
Dy Secy's No 1254 dt 4th Feb 1876
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Dy Secy's No 1285 dt 4th Feb 1876
Dy Secy's No 1286 dt 4th Feb 1876
Dy Secy's No 1287 dt 4th Feb 1876
Dy Secy's No 1288 dt 4th Feb 1876
Dy Secy's No 1289 dt 4th Feb 1876
Dy Secy's No 1290 dt 4th Feb 1876

Revd 7/2/76

1462 2n

Dy Secy's No 1290 dt 4th Feb 1876

No 325

Chitaldroog District
Dy Commissioner's Office
Camp Harihara 7th Feby 1876.

From No

To

The Secretary to the Chief Commissioner
of Mysore

Sir

With reference to your Docket No 7368
of the 20th December last, forwarding a copy of
translation of an article which appeared in
the "Karnataka Prakashaka" dated 1st December /75
and enquiring whether the causes of delay therein
enumerated do in fact exist. I have the honour
to report that no unnecessary delay occurs in the
disposal of Dunkhasts in this District and
for the sake of clear elucidation, beg to submit
in detail the procedure adopted.

1st The Talooks of this District having now
been settled for some years, Pavagada and
Doddery being those more recently settled, cases
in which the cost of Boundary marks is demanded
are very rare, and when such is demanded it is
only in cases of lands taken up for the first
time within three years of the settlement of the
Talooks. This is in accordance with an
order issued by the Survey Department to
some of the Talooks.

2d No Security is ever taken from Dunkhast-
-dar for due payment of Sundays except in the case
of Mohatarfa tax, and then only in the case
of such wandering tribes as Korchers, Lambani
Waddars and others, and this is essentially
necessary as such persons invariably run away
just before the Collection season commences -
And, even in such cases, Security is not always
taken, but instead the Mohtarfa is collected
in advance -

1st

III. It is true that the right of occupancy of all lands, whether they contain trees or not is sold by auction to the highest bidder, in accordance with Survey Rules, where no trees exist (unless for any other particular reason) the Amildar confirms the sale, and where trees exist the bid is subject to the approval of the District Officer.

IV In this District no Durkhastdar is required to produce any Certificate from the Forest Department

V Cases in which the consent of the Vigs Do of the village has to be obtained are very rare. Such cases occurring only when some valid objection arises in the interests of the Villagers.

VI. No unnecessary delay occurs in the disposal of Durkhasts. On application being made, the Amildar refers the same to the Shirkdar with notice of date of sale. On the sale taking place, as before stated, if there are no trees, the Amildar confirms it to the highest bidder, who is at once placed in possession. If the sale requires the confirmation of the District Officer the sale list is sent up for approval, and if the District Officer is satisfied it is at once confirmed, and if the sale is not approved of a fresh sale is directed to be held.

If the application happens to be for unassessed Kharal lands, some delay is unavoidably necessary, as the land has first to be assessed by the Survey Department, after which the sale takes place.

Candayam

Land dayrw is levied for the year in
in which the Durkhastdar is put in posse-
-sion - If he only obtains the land late
in the season, it is owing to his own fault
in not making early application -

I have the honor to be
Sir
Your most Obedient Servt

Ellenborough

Off Dy Commissioner

1876 O. 664

139

From the Commr of the Gen Land Office

Ltr Surveyor Gen Colo 5 Nov 76 Rec'd 15th

Ltr Surveyor Gen Colo 28 March 76 Rec'd 6th April

Explains that no delay has taken place in this Office in the Transmittal of applications for lands

To file

12-2-76

Rec'd 12/2/76

In

in which the land lies applied for

6 The statement in the article that the survey rules provide only for the sale of such lands as contain reserved trees, fruit, date & bagui trees shews that the writer has not read rule XII which provides for the sale of all land. The system which prevails here now of fixing the date of the sale of trees as soon as the darkhast is presented and applying meanwhile for leave to give the land out, and for the upset price of the trees thereon, below which it will not be sold, provides, as far as I can see, for the most expeditious way of disposing of darkhasts in which delay is inevitable in the interests of Government. If land covered with trees were given out for nothing and at once there would be nothing to prevent the holder from cutting down every stick of timber, throwing up the land at the end of the year, and repeating the operation next year in another field.

7. The causes of delay enumerated in the article therefore only apply in part, but I am bound in fairness to add that so far as the Karnul district is concerned - and it is the only one in my

to which the criticism can be fairly applied. The delays in deciding durkhasts have been, and still are, most discreditably long. This is a subject to which considerable attention has lately been given, not only here, but from the Chief Commr. downwards, and the system of selling lands alluded to in the last para was inaugurated in April last, since that order was received in this Sorab Taluk 33 durkhasts have been received in which sales of trees were necessary, and they have been disposed of in an average of 96.2 days each. The average time for disposal of the 52 such durkhasts received last season prior to the order was 64.8 days, but it is the durkhasts for land having no trees thereon that chiefly the most culpable delays where none should exist. The average for their disposal has been 51.5 days, and the reason given is the delay made by the Shirkdars in delivering the Sajwals sent from the Taluk office to the Ryots.

Some of the delays have occurred in the

the Lalook office too. one dutchhas given last July remained undecided until this season and has not been included in the above averages. It was not decided last year because of the rupt cultiva- ting without leave and before the Sagwan Chitty had been given him.

I have &c
signed W. J. Cunningham
1st asst Commissioner
Sangar Sub Dn

"True Copy"
C. J. Allen.
Off Dy Commr
Shemoga Dn

Comp. J. No. D Vol. 3

C-688

L-9

1876.

From The Deputy Commissioner Shimoga District

To

Secretary to Chief Commissioner, Mysore General Department.

Bangalore.

Dated 9th January 1876

Despatched 11th January

Received 14th January

ENCLOSURES NO

General No. 182 1875-76

No.

With reference to his docket No. 7358 of the 20th December 1875 I forward a copy of Lieut Cunningham's report regarding the delay in the disposal of applications for land in the surveyed and settled Talugs.

Deputy Commissioner Shimoga 14-2-76

Secretary

Dy Comr

14-2-76

Register 2/26

4

Proceedings of the Offg. Chief Commissioner
No. 8 March 1876.

Read

Letter No. 1238 of 3rd. February 1876 from the Deputy Commr. Bangalore District.

Do. No. 490 of 26th. January 1876 from the Deputy Commr. Tumkur Dt.

Do. No. 1821 of 9th. Febry. 1876 from the Deputy Commr., Shimoga Dt.

Do. No. 325 of 7th. Febry. 1876 from the Deputy Commr., Chitaldroog Dt.

Order thereon.

No. 1023 / R 274 of 28th March

The Deputy Commrs. of the above named Dts. submit explanations on certain points connected with the disposal of applications for land in the Surveyed and Settled Talukas.

These Reports disclose ~~a good deal of practice~~ in some respects in the different Dts., and the Offg. Chief Commr. would be glad to be furnished with the views of the Survey and Settlement Commr. on the points noticed below, in view to a uniformity of system being introduced.

In the Shimoga and Chitaldroog Dts. it is the practice it seems, to require that when land, waste at the settlement is taken

X Some points of practice in lands brought under the Settlement Rules, which seem to the Offg. Chief Commr. to require notice, & to which Orders are now solicited

taken up for cultivation within three years following, the applicant should defray the cost of the "bandhis", and this course is grounded if is stated on an order of the Survey Dept. [not quoted]. There can be special circumstances which would justify such a demand, ~~when for instance~~ land was resigned and afterwards resumed in order to avoid the cost of erecting the "bandhis", but ordinarily the practice referred to seems to the Offg. Chief Commr. to be open to objection.

In the Sunpura Dt. it appears that security for the payment of the assessment is taken from applicants in certain cases. The land and its crop constitute the security and nothing further seems to be needed.

3 Para VII of the Survey & Settlement Rules, published in Notification No. 39 of the 26th May 1869 prescribes that the right of occupancy of all unreserved lands not occupied at the time of the Settlement, or unoccupied at any subsequent period, together with the trees standing thereon, should be put up to Public Auction at the discretion of the

Dy

10205
274

1876.

From

To The Survey & Settlement Comr.

Dated Bangalore 28th March
Despatched
Received 31st March

ENCLOSURES NO.

General No. 1013
R No. 974

Communicating orders on explanations submitted by certain Deputy Collectors relative to the delay in the disposal of applications for land in the surveyed and settled Talukas.

Transmitted

No. 572 of 1876

From

Colonel W. C. Anderson

Survey & Settlement Commissioner Mysore

To

The Secretary to the Chief Commissioner
for the Government of the Territories
of His Highness the Maharajah
of Mysore

Section
File N
Serial N

Survey Commissioner's Office
Mysore Territory

Talgoopee 7th April 1876

Sir,

I have the honor to forward the report called for by Chief Commissioner's order No. 10215/274 of the 27th ultimo.

2nd On the subject of the 2nd Para I must make a reference to the Superintendent Revenue Survey for precise information regarding the terms of the order referred to and as he may require to refer to the District some time may elapse before full information is received. Bu

the order referred to will, I believe, be found not to in any way apply to the general run of waste land newly taken up for occupation, the cost of the Boundary Marks in which has been defrayed by Government. But it will be found, I believe, that the order referred to applied to land which was occupied at the time of measurement and consequently the cost of Boundary Marks was included in the bill sent to the District authorities for the collection of the amount but in the mean time before collection the occupant had resigned the land in question and consequently the charge for marks stands against the Survey number comprising the land and is recoverable from any person taking it up for a definite period, after the lapse of which it is

written

waste land on his own behalf for of keeping back the application of another applicant. In order to put an end to true and false complaints on this score, both true and false being equally productive of trouble, an auction was resorted to as the rule in the Dharwar Districts adjacent to Mysore whenever a second applicant for the same land came forward.

4 two In Mysore it is certainly generally not advisable to attempt to make money out of the occupancies of mere waste land without trees, the capital thus diverted might be more usefully applied to the land. Still it is advisable to obviate disputes, which often interfere with any one getting possession of waste land for a considerable time and therefore the plan of putting up waste occupancies to

auction

auction in case of more than one applicant

appears to me to have decided advantages,

at the same time I would not propose

to limit the action of the officer

in charge of the Talooka and would

permit him to use his discretion, as

allowed by Para VII of the Survey and

Settlement Rules, as to whether there + Notification No. 34 of 26th May 1860

should be an auction or not. In cases

when the land applied for is contiguous

to that of one applicant only, there might

be good reason for entertaining his

application to the exclusion of others.

5th In the last Para of the reference

under reply allusion is made to the

Durkhast rules as in opposition to

Rule VII of the Survey and Settlement

rules I am not aware precisely what

Durkhast rules are referred to but

as regards settled Districts I apprehend

that

any application made on sufficient grounds it appears to me to hold out the best chance of attaining the required end. This appears to be a matter in which too precise and unbending rules are as far as we can now see unadvisable, the working them must be trusted to the discretion of the Officer in charge of the District, and it is better to leave the management of the future matter much to his discretion within some definition of limits; the main point for which he must be held responsible for providing being that no excessive delay shall occur. Any application should ordinarily be disposed of within one month of its date of reception and in exceptional cases only can a delay approaching to two months be excusable.

Your obdt. servant,

D. Anderson

Survey & Settlt. Commissioner
Mysore

L. 32.

1879. No 38

To, The Survey & Sett.t Gen.l
in Mysore

Section
File No
Serial No 1

Dated 29 June 1876.
Despd 30
Encls: No. 7
Genl. & No. 107 3205

The Survey & Sett.t Comm.r
letter No. 572 of 7th April
last regarding recovery
of expenditure for Boundary
marks from persons taking
up waste lands.

Requests the early submission of
the further report promised
in the latter part of para
2 of the above.

By order
18/6
Offg. Secretary

H. H

for the settlement as was formerly the case, the rule requiring any one taking up the resigned land within three years to defray the cost of Boundary Marks will scarcely ever have to be brought into action.

3. The Deputy Commissioners of both Shemoga and Chitaldroog in their Dockets No. 130 of 17th April and No. 183 of 2nd May 1876 respectively state that the practice is to collect only under the circumstances set forth in the preceding Para and I think it may safely be concluded that the 3 years Rule alluded to has not been erroneously extended to all lands waste at the time of

settlement, if it has in any case
been thus extended it has certainly
not been under any authority
conveyed through this Department.

I have the honor to be

Sir

Your most obedient Servant

J. P. Grant

Hy. Survey Commissioner

Halifax.—

Survey & Settlement

To,

No. 482 of 1876

The Survey & Settlement Commr.
of Mysore

Survey Superintendent's Office
Gubbi and a 20th May 1876

Sir,

With reference to your Memo No. 495 of the 5th April 1876 forwarding copy of the Chief Commrs Proceedings No. 10215 / R. 274 of the 27th March 1876, I have the honor to forward the following correspondence.

1st Shimoga District Deputy Commissioner's Docket No. 130 dated 14th April 1876 & enclosures.

2nd Chitaldroog District Deputy Commrs Docket No. 183 dated 2nd May 1876, and enclosures.

2 It appears that the order stated to have been received fro this

this Department to the effect that when land waste at the settlement is taken up for cultivation within 3 years the cost of the Bandhs should be recovered from the applicant, refers only to land which was occupied at the time of measurement but is found to be waste when the boundary mark money has to be collected. Both Deputy Commissioners appear to have in the first instance misread the order. The real practice is to collect the money from the person who was in occupation at the time of measurement without waiting for settlement and to

3862 16. 12. 1876

From The Deputy Commissioner Thursford

To The Superintendent Port Louis

Dated 17 April

Despatched

Received

Enclosures No. 3

General No. 130 } 1876 77

No.

In reply to his letter No 319 of the 8th instant, has the honor to forward the memorandum noted thereon and to state that the cost of boundary marks has, in practice, been limited only in cases where the land was in occupation at the time of measurement.

J. Cunningham
Offg Commr
Thursford

Extract from letter No 325 of 7th February 1876
from the Deputy Commissioner, Chitaldrug
District, to the Secretary to the Chief
Commissioner of Mysore.

× × ×

II The Taluks of this District
having now been settled for some
years, Powghur & Dodderi being those
more recently settled, cases in which
the cost of boundary marks is
demanded are very rare, and
where such is demanded it is
only in cases of lands taken up
for the first time within 3 years
of the settlement of the Taluk.
This is in accordance with an order
issued by the Survey Department
to some of the Taluks.

× × × ×

Signed / C Bernewart
Dy Commissioner

"True Extract"

Deputy Commissioner
Chitaldroog Dist

[illegible]

[illegible]

[illegible]

Proceedings of the Chief Commissioner of Mysore

Read ~~the Karnataka Proceedings of 20th December 1875~~

1. Letter No. 1238 of 3rd February 1876 from the Deputy Commr. of Bangalore.
2. " " 490 of 26th January 1876 from the Deputy Commr. of Tumkur.
3. " " 1821 of 9th February 1876 from the Deputy Commr. of Shimoga.
4. " " 325, of 7th February 1876 from the Deputy Commr. of Chitaldroog.
5. " " 572 of 7th April 1876 from the Survey & Settlement Commr.
6. " " 912 of 20th July 1876 from the Survey Comr.

Order thereon:—

~~Case of Karnataka~~

Section
File No
Serial No

The attention of the Chief Commissioner having been drawn to the ~~existence~~ procedure adopted in respect of ~~certain irregularities connected with~~ the disposal of applications for land in the Surveyed and Settled Talukes, ~~on~~ enquiries were addressed on the subject to ~~instituted. The reports called~~ for from the Deputy Commissioners of the Districts specified in the margin* ~~have~~ and ~~from~~ their reports have been received,

* Bangalore
Tumkur
Shimoga
Chitaldroog

the explanation furnished by the S. of the Chief Commissioner ~~proceeds to pass his orders thereon~~.

Settlt Commr having been considered desirable that the following instructions be observed on the several points adverted to

2. ~~First~~ 1st. With regard to the recovery of the cost of boundary marks erected by the Survey Department, from applicants for waste lands, ~~some~~ & want of uniformity of practice ~~exists~~ has been shewn to prevail. In some Districts, the cost is not recovered from applicants, while in the Shemoga and Chitaldroog as well as in the Tumkur Districts, such cost is demanded when lands, waste at the time of the Survey Settlement, are applied for, within the 3 years ensuing.

3. The Acting Survey Commissioner explains that the latter measure was enjoined in consequence of fraudulent evasions of payment by Ryots who purposely threw up their lands at the Settlement.

but

that no further security should be required.

6 The 3rd point relates to the practice of putting up the lease of lands to public competition, when one or more applications are received. On this head also, the practice of the several Districts differs considerably. The Chief Commissioner remarks that para VII of the Survey and Settlement Rules published in Notification No. 39 of the 26th May 1869, prescribes that "the right of occupancy of all unreserved lands, not occupied at the time of settlement, or unoccupied at any subsequent period, together with the trees standing thereon, shall be put up to public auction at the discretion of the Deputy Commissioner, and sold to the highest bidder."

The

The practice of selling indiscriminately all lands applied for may, in some cases, lead to mischievous results, and the Deputy Commissioners should be careful to exercise the discretionary power vested in them by this rule. The following points should be borne in mind in determining whether a land shall or shall not be sold by public auction.

I. It is not generally advisable to put up the occupancy of waste land which has no trees standing on it, to public auction, especially when there is but one applicant for it.

II. When there are two or more applicants for the same number, or when the land contains trees, it would be as a rule expedient, to prevent disputes, to sell the right of occupancy to the

highest bidder.

III. In cases in which the land applied for lies adjacent to that of one of the applicants, there might be good reasons for entertaining his application to the exclusion of others.

IV. In Taluks where there is much forest land, it would be advisable to sell the trees apart from the land. When this is done, the purchaser of the trees should be required to remove them within a specified time, which may extend to three or six months from date of sale, according to circumstances in each case; and, in default, to forfeit all lien on them in favor of the Government. The disposal of the trees will then rest with the District Officer, who may make over the trees to the occupant of the land, or

arrange for their resale and removal as may seem best under the circumstances of each case.

V. In Maidan Taluks it would be generally advisable that the trees & the land be sold together, with a view to prevent the trees being cut down, unless a concurrent occupancy of the land and the trees by two different persons is admitted.

VI. The practice said to prevail in the Bangalore District of putting the applicant in possession of the land applied for, before the trees on it are disposed of, is objectionable and should be discontinued. The Durkhastdar should not be put in possession till the trees on the land have been sold.

VII. The 4th Point refers to

is the proper one, provided no unreasonable delay has occurred in putting the application in process.

Offg Secretary

To

The Commissioners of Divisions.

" Deputy Commissioners of Districts.

" Survey and Settlement Commissioner.

" The Collector of Ahmednagar

Rec.

Do Comr. of Gen.
Do Comr. of Ind.
Survey Genl (Cons.)
Conservator of Forests

Ten.

of 6th Sept. 1876

3 Encls. C/o 5572/22

Rec'd 2.5 pm. 6-9-76

Copies of the Proceedings adopted in respect of the disposal of applications for land in the Surveyed Districts. Passing order thereon

RAED—

Letter No. 1238 of 3rd February 1876, from the Deputy Commissioner of Bangalore.
Do 490 of 26th January 1876, do of Túmkúr.
Do 1821 of 9th February 1876, do of Shimoga.
Do 325 of 7th February 1876, do of Chitaldroog.
Do 512 of 7th April 1876, from the Survey and Settlement Commissioner.
Do 912 of 20th July 1876, from the Survey Commissioner.

No. 5572—REV. 22, DATED BANGALORE, 6TH SEPTEMBER 1876.

ORDER THEREON.—The attention of the Chief Commissioner having been drawn to the procedure adopted in respect of the disposal of applications for land in the surveyed and settled taluks, enquiries were addressed on the subject to the Deputy Commissioners of the Districts specified in the margin, and their reports as well as the explanation furnished by the Survey and Settlement Commissioner having been considered, the Chief Commissioner desires that the following instructions be observed on the several points adverted to.

Bangalore.
Túmkúr.
Shimoga.
Chitaldroog.

2.—1st. With regard to the recovery of the cost of boundary marks erected by the Survey Department from applicants for waste lands, some want of uniformity of practice has been shewn to prevail. In some districts, the cost is not recovered from applicants, while in the Shimoga and Chitaldroog as well as in the Túmkúr Districts, such cost is demanded when lands, waste at the time of the Survey settlement, are applied for, within the three years ensuing.

3. The Acting Survey Commissioner explains that the latter measure was enjoined in consequence of fraudulent evasions of payment by ryots who purposely threw up their lands at the settlement, but that, since become the practice to recover the cost of the "bandhs" while measuring ope re in progress, the necessity for enforcing the order referred to can seldom ari

4. The Chief Commissioner considers that any restrictions of the nature referred to, on the grant of waste lands in settled taluks, are open to considerable abuse, and may have the effect of seriously retarding the extens of cultivation. Some immediate loss to Government may be occasioned by the desertion of lands in order to avoid the cost of the bandhs, but this result will be fully counterbalanced by the advantage of removing all restrictions to the occupation of waste lands. The relinquishment of lands, in order to obviate the charge for boundary marks, will be sufficiently discouraged if it is clearly made known, that where such lands are subsequently applied for by two or more persons, including the former occupant, the claim of the latter will not be recognized.

5. The next point relates to the question of demanding security from an applicant for land for the due payment of the kandayam. In the Bangalore, Shimoga and Chitaldroog Districts, it is reported that no security is taken, while in the Túmkúr District, it is demanded from darkhastdars who are not known, or who, it is suspected, will evade payment by absconding. The Chief Commissioner observes that land is the security for the arrear due to Government, and considers that no further security should be required.

6. The third point relates to the practice of putting up the lease of lands to public competition, when one or more applications are received. On this head also, the practice of the several Districts differs considerably. The Chief Commissioner remarks that para VII of the Survey and Settlement Rules, published in Notification No. 39 of the 26th May 1869, prescribes that "the right of occupancy of all unreserved lands, not occupied at the time of settlement, or unoccupied at any subsequent period, together with the trees standing thereon, shall be put up to public auction, *at the discretion of*

the Deputy Commissioner, and sold to the highest bidder." The practice of selling indiscriminately all lands applied for may, in some cases, lead to mischievous results, and the Deputy Commissioners should be careful to exercise the discretionary power vested in them by this rule. The following points should be borne in mind in determining whether a land shall or shall not be sold by public auction.

I. It is not generally advisable to put up the occupancy of waste land which has no trees standing on it, to public auction, especially when there is but one applicant for it.

II. When there are two or more applicants for the same number, or when the land contains trees, it would be as a rule expedient, to prevent disputes, to sell the right of occupancy to the highest bidder.

III. In cases in which the land applied for lies adjacent to that of one of the applicants, there might be good reasons for entertaining his application to the exclusion of others.

IV. In taluks where there is much forest land, it will be advisable to sell the trees apart from the land. When this is done, the purchaser of the trees should be required to remove them within a specified time, which may extend to three or six months from date of sale, according to circumstances in each case; and in default, to forfeit all lien on them in favor of the Government. The disposal of the trees will then rest with the District Officer, who may make over the trees to the occupant of the land, or arrange for their re-sale and removal as may seem best under the circumstances of each case.

V. In Maidan taluks it would be generally advisable that the trees and the land be sold together with a view to prevent the trees being cut down unless a concurrent occupancy of land and the trees by two different persons is admitted.

7. The practice said to prevail in the Bangalore District of putting the applicant in possession of the land applied for, before the trees on it are disposed of, is objectionable and should be discontinued. The darkhastdar should not be put in possession till the trees on the land have been sold.

8. The 4th point refers to a complaint that an applicant for waste land is required to produce a certificate from the Forest Department to shew that that Department has no objection to his taking up the land. The Deputy Commissioners' reports shew that no such practice exists, but that when application is made for land on which there are sandal and other valuable timber trees, the Forest Department is first consulted. This course is in accordance with the rules on the subject, and should not be departed from.

9. The 5th point refers to the supposed necessity of consulting the ryots of the village before the land applied for can be granted in every case. This practice too does not appear to prevail, except in rare instances, where the villagers, as a community, have a prescriptive interest in the land.

10. The Chief Commissioner is assured, as to the alleged delay that occurs in putting applicants in possession of lands, that no such grounds of complaint exist. The matter however is one which calls for the constant attention of the District Officers.

11. Lastly, it has been alleged that assessment is charged on lands newly taken up

1876.

GOVERNMENT OF MYSORE.

REVENUE.

To

THE COMMISSIONERS OF DIVISIONS.
DY. COMMISSIONERS OF DISTRICTS.
SURVEY AND SETTLEMENT COMMR.
CONSERVATOR OF FORESTS.

Dated. September 6th.

Despatched. 12th

Received.

No. 5572.
Rev 22.

Correspondence of the procedure adopted in respect of the disposal of applications for land in the surveyed and settled Taluks.—Passing orders thereon.

from the date of the darkhast. The Deputy Commissioners of Túmkúr and Chitaldroog report that the applicant is charged with assessment for the season to which his application relates. The Chief Commissioner considers that this course is the proper one, provided no unreasonable delay has occurred in putting the applicant in possession.

T. CLARKE,
Offg. Secretary.

To—The Commissioners of Divisions. 2 Copies each
„ Deputy Commissioners of Districts.
„ Survey and Settlement Commissioner. 10 "
„ Conservator of Forests. 10 "

Conservator of Forests office
Mysore and Coorg

Rev: Forests
No. 1665
133

61
5

Section
File No
Serial No

To

The Secretary to the Chief
Commissioner of Mysore.
Bangalore 15th September 1876.

Sir.

With reference to para 6 and
its 5 clauses: and para 7, of the Chief
Commissioner's Proceedings No. 5572/22
of the 6th instant, I have the honour
to request that you will be good
enough to inform me if these Rules
are held to cancel the provisions
of the Survey Guarantee (Forest), and
the Chief Commissioner's subsequent
rulings thereon, extending the period
within which the Department may
remove wood to 2 years in certain
taluks (vide Chief Commr's Proceedings
No. 532 F. of the 4th March 1875. If so
the loss to Government may at times
be considerable. Should the Chief
Commissioner rule that the procedure
now laid down is to be
adopted in lieu of that at present
prevailing

prevailing, I beg to submit the claim of the Forest Department to the value of the trees sold, and in any case, Special provisions exempting Sandal trees from ever becoming the property of the occupant of land should I respectfully suggest be made. I ask as it is not clear to me whether these proceedings do or do not abrogate the forest portion of the Mysore Government Guarantee. —

I have the honor to be.
Sir,
Your most obedient Sv.

Dawsonne's Capt.

Conservator of Forests
Mysore and Coorg

~~From~~ letter No 1665/2133 dy
15th September /76 from the
Consr of Forests Sirpore.

Order thereon.

The ~~Chief Conservator~~
~~observes that the~~ rules
contained in paras 6 & 7
of ~~this~~ office Proceedings
No 5572/22 dy 6th Septr /76
simply lay down the
procedure to be adopted in
giving effect to the provisions
of para VII of the Survey
Settlement Rules published
with Notification No 39
Dated 26th May /69, and
were not intended in any
way to modify or
cancel the provisions
of the Survey Guarantee

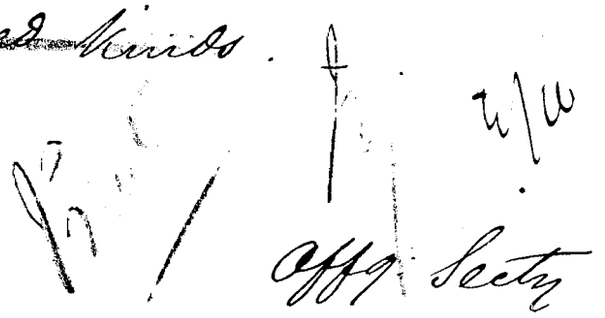
~~Dated~~ a

* Do not affect the provision of the Survey guarantee under which rights are vested until Forest Dept is cognizant of them & the record thereof

~~passes IX to XII "Forests & Wood".~~

~~2 The Rules in question~~

are necessarily subject to the rights vested in the Forest Dept by the terms of the Guarantee in respect of all timber of the ~~reserved kinds~~.



4/10

Offg Secty

To The Comr of Forests
" Commrs of Divs
" Survey & Settlement Comm

Kew. Forests.

Do Conservator of Forests.

dated 5th October 1876

dy 5th Oct. /76

No. 6612
203

Rec'd 3/4 pm
5-10-76

Rules contained in paras
647 of Chief Com.rs proceedings
dated 25th/26th Sept. /70
indicating that they do
not affect the provisions of
the Survey Guarantee under
which in respect of trees
of the reserved kinds

Proceedings of the Chief Commissioner of Mysore, Department of Revenue, Agriculture and Commerce (Forests), 5th October 1876.

From the Conservator of Forests, Mysore and Coorg, To the Offg. Secretary to the Chief Commissioner of Mysore, General Department, No. 1665—Rev.-F. 133, dated Bangalore, 15th September 1876.

With reference to para 6 and its 5 clauses, and para 7 of the Chief Commissioner's Proceedings No. 5572—22 of the 6th instant, I have the honor to request that you will be good enough to inform me if these rules are held to cancel the provisions of the Survey Guarantee (Forest), and the Chief Commissioner's subsequent rulings thereon, extending the period within which the Department may remove wood to two years in certain taluks (*vide* Chief Commissioner's Proceedings No. 532, F. of the 4th March 1875). If so, the loss to Government may at times be considerable. Should the Chief Commissioner rule that the procedure now laid down is to be adopted in lieu of that at present prevailing, I beg to submit the claim of the Forest Department to the value of the trees sold, and in any case, special provisions, exempting sandal trees from ever becoming the property of the occupant of land, should, I respectfully suggest, be made. I ask as it is not clear to me whether these Proceedings do or do not abrogate the forest portion of the Mysore Government Guarantee.

No. 6612—Rev-F. 203, dated Bangalore, 5th October 1876.

Order thereon.—The rules contained in paras 6 and 7 of Chief Commissioner's Proceedings No. 5572—22, dated 6th September 1876, simply lay down the procedure to be adopted in giving effect to the provisions of para VII of the Survey Settlement Rules published with Notification No. 39, dated 26th May 1869, and do not affect the provisions of the Survey Guarantee under which rights are vested in the Forest Department in respect of trees of the reserved kinds.

T. CLARKE,
Offg. Secretary.

To—The Conservator of Forests. 5 Spare Copies
,, Commissioners of Divisions. 3 " each
,, Survey and Settlement Commissioner. 5

148

6612
203

1876.

GOVERNMENT OF MYSORE.

REVENUE—FORESTS.

To

THE CONSERVATOR OF FORESTS.

Dated October 5th

Despatched 11th

Received

No. 6612.
R-F. 203.

Rules contained in paras 6 *and* 7 *of Chief Commissioner's Proceedings No.* 5572—22, *dated* 6*th September* 1876.—Intimating that they do not affect the provisions of the Survey Guarantee in respect of trees of the reserved kinds.

No. 298

FROM

C. J. LYALL, ESQUIRE,

Under-Secretary to the Government of India,
Department of Revenue, Agriculture and Commerce,

Section

File No

Serial No

TO

The Chief Commissioner of
Mysore and Coorg
Calcutta dated 17 Febry 1877.

Forests

SIR,

I have the honour to request that you will be so good as to furnish the Government of India with a copy of the Survey Settlement Rules of 1869 and Survey Guarantee (Forests) referred to in your Proceedings volume for October 1876, No 2 X A (Forests)

I have the honour to be,
Sir,
Your most Obedt Servt

Chas. L. Lyall

Under Secy to the Govt of In

X Copy not available in Pol Dept.

188 16/2

O 1877
82

1877.

From The Secy. to the Govt. of India Dept. of Rev. Agre & Commerce Calcutta Forests

To

Dated 17th February.

Despatched

Received 23rd — do —

Enclosures No.

General No.

No. 298.

Requests to be furnished with a copy of the Survey Settlt. Rules of 1869 and Survey Instructions referred to in Proceedings for October 1876. No 2 A (Forests).

23-2-77

26/2/77

1877.

From

To The Secretary
to the Govt of Indi
Depr of Revenue Agrm
Simla

Dated 7th April Simla, 1877.

Despatched " —— "

Received

Enclosures No. 2 printed pape

General No. 289
R.F. No. 3

Sir,

In reply to your
letter No 298, dated
17th February last,
I have the honor t
desire of the Chief
Commissioner to
append copies of
the Survey Settle
ment Rules of
1869, and Surv
Grant Rules (Incl
dated 9 Feby 1870, there
asked for.

I have &c.

Secretary.

of this settlement, on all land, in addition to the Survey assessment, one anna in each rupee of such assessment (according to the amount of each ryot's patta), which will be devoted to the construction and repair of roads, to educational purposes, and to such other local objects as may be deemed necessary.

Local Fund Cess of one Anna in the Rupee on all land.

Additional Cess of one Anna in the Rupee on wet crop land for Repairs of Tanks.

On all wet crop lands, an additional anna in the rupee will be imposed, which will be devoted *exclusively* to the repair and maintenance of tanks.

VI. All Inam lands will pay local fund according to their Survey assessment, or, in the absence of this, on the recorded value of the Inam.

VII. Káyemgutta and Saravamánnya villages will pay local fund at the rate of one anna in the rupee, the former at the fixed Káyemgutta rent, and the latter on the recorded value of the Inam.

APPENDIX. B.

*Rules for the Inspection, Maintenance and Repair of Boundary Marks.**

I. The Superintendent of Survey will furnish the Deputy Superintendent with a Map and Statements shewing the position, size and description of the Boundary Marks erected by the Survey Department in each field; and these are to be considered the permanent marks to be maintained and repaired.

II. In addition to the Boundary Marks entered in the Survey papers, a strip of land between each mark (1) of the dimensions laid down for the district should be kept unploughed, and carefully preserved as forming part of the boundary of the number. (2)

III. A regular inspection of Boundary Marks by Survey numbers is to be made in each village annually, or biennially, as prescribed by circular orders. The results of this inspection are to be entered in a Field Register prepared according to the annexed form.

IV. The Boundary inspection shall be made in the presence of the Village Officers and the owners and occupiers of the land, who should attend such inspection.

V. When every field has been inspected, and the state of its Boundary Marks entered in the register, a second examination, after the lapse of a sufficient time to allow of the repairs to the marks being completed, should be made of every field entered at the first inspection as requiring repairs, and should any repairs remain unexecuted, they will be made by the District Officers and the cost recovered from owners and occupants as a regular revenue demand.

VI. On the repairs being thus completed, the Amildar should prepare and forward to the Deputy Superintendent, by a date to be specially fixed for each district, a general abstract of the Inspection Return.

VII. No person is to be allowed to dig out earth close around the Boundary Marks for repairs: a space of two cubits in breadth all round the marks must be left untouched, so as to prevent injury to the mounds from water lodging in the cavities from which the earth for repairs is taken.

VIII. Assistant Superintendents are personally to examine the Boundary Marks of some of the numbers of several villages in every talook as soon as possible, after the completion of the examination by the native local Officers. In the case of districts which are under the immediate superintendence of the Deputy Superintendent, that Officer is to mark off several numbers in the Village Registers for examination by the Sheristadar, or other high Officer of the establishment.

IX. The Superintendents, during their circuit, are to take measures for preventing the inspection ordered in these rules becoming a mere form.

"By Order,"
(Signed) T. CLARKE,
Offg. Secretary.

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(1) Garden and Rice lands where hedge-bound or defined with permanent boundaries, walls, banks, &c., are excepted from this ruling

(2) Such strips have been declared to be Boundary Marks.

* Rules regarding the nature and size of boundary marks will be found at page 435 of the Mysore Gazette of 1868.

FORM OF EXAMINATION.

REGISTER of Field Boundary Marks in the Village of *Talook*
District *in* 186 .

No. of Field.	Sides of the Field on which Boundaries were out of repair at date of										Tenure.	Government.		Remarks by Amildar or other Testing Officer.
	1st Inspection.					2nd Inspection.						Cultivated.	Waste.	
	Date.	E.	N.	W.	S.	Date.	E.	N.	W.	S.				
				1							Government.	1		Entries correct

381

FORM A, RULE XIII.

No. I.

To the Amildar of _____

I, A. B., inhabitant of _____ in the _____ Talook _____ District _____ occupying Revenue Survey No. _____ (*or "a recognized share of Revenue Survey No. _____," as the case may be*) in the said village of _____ hereby give notice that I have transferred my occupancy of the same, and all the rights appertaining thereto to C. D., inhabitant of _____ in the said Talook from this date. In witness whereof, I hereto attach my signature (*or "mark" as the case may be*) this _____ day of _____ Native date

Witnesses—
E. F.
G. H.

A. B. _____

No. II.

To the Amildar of _____

I, C. D., inhabitant of _____ in the _____ Talook _____ District _____ hereby give notice that I have accepted the transfer of the occupancy of the land comprised in Revenue Survey No. _____ in the said village as from this date, and I pray that my name may be substituted in the books of the Sirkar for that of A. B., as the occupant of the said Revenue Survey No. _____ as from this date, I undertake to pay any outstanding balance that may now be due to the Sirkar in respect of the land Revenue payable in respect of the said Revenue Survey No.

Witnesses—

FORM B, RULE XIV.

I, A. B., inhabitant of _____ in the _____ Talook of the _____ District occupying Revenue Survey No. _____ (*or recognized share of Revenue Survey No. _____ as the case may be*) hereby give notice that it is my intention to relinquish the occupancy of the said Revenue Survey No. _____ (*or recognized share of Revenue Survey No. _____ as the case may be*), at the end of the year. In witness whereof, I hereto attach my signature (*or mark, as the case may be*) this twentieth day of March 1868.

2 Witnesses—

C. D. Witness.
E. F. do

A. B. _____
G. H. _____
Village Accountant.

N. B.—The above notice must be given in before the 31st of March—but when the Survey Settlement is newly introduced into a district, the Settlement Officer will receive Rázinámás up till the 5th June of the year of settlement. This notice of relinquishment is to be filed for the inspection of the Jamábandi Officer.

NOTICE UNDER RULE XVI.

To _____ inhabitant of _____ Talook _____ Collectorate.

I hereby give you notice that your _____ instalment of the revenue amounting to Rupees _____ is now overdue.

In case the same is not paid immediately, in addition to the fee for this notice, amounting to 8 annas, interest will be charged on the amount overdue, according to the rules.* If after one month from this date, the sum due, together with interest thereon, shall not be paid, the occupancy of your _____ numbers or recognized shares of numbers, or as many of them as will satisfy the claim of Government, will be sold by public auction.

*At the rate of _____ per Rupee per diem from the day after the instalment falls due up to the date of payment, both days inclusive.

A. B. _____
Deputy Superintendent or Assistant Superintendent or Amildar, as the case may be.